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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,415	03/12/2004	David Orr	DAV-101/CIP	7053
30869	7590	04/05/2006	EXAMINER	
LUMEN INTELLECTUAL PROPERTY SERVICES, INC.			DOOLEY, JAMES C	
2345 YALE STREET, 2ND FLOOR			ART UNIT	
PALO ALTO, CA 94306			PAPER NUMBER	

3634

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/800,415

**Applicant(s)**

ORR, DAVID

**Examiner**

James C. Dooley

**Art Unit**

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/12/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This non-final Office action is mailed in response to Applicant's election filed January 27, 2006, wherein Applicant elected the species of figures 1, 2A, 2B, 5A, 5B, 6A, 6B, 7.

#### ***Election/Restrictions***

The requirement for election mailed December 9, 2005 is withdrawn. Claims 1-6 have been examined. Upon further consideration the fastener shown in figures 3 and 4 is not a distinct species but a component of the invention.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "652" has been used to designate both parallel legs and straddle angle.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: in the Abstract lines 1 and 3, "plank panel" should be changed to --blank panel--.

On page 8 lines 1-3 straddle "lags" are designated 651 and straddle angle 652.

On page 8 line 29 parallel legs are also designated 652.

Appropriate correction is required.

### ***Claim Objections***

Claims 1,3, 4and 6 are objected to because of the following informalities:

In line 2 of claim 1, "separable" should read --separably--.

In line 8 of claim 1, "inward extending" should read --inwardly extending-- or --extending inward--.

In line 3 of claim 3, information is missing after "adjacent".

In line 2 of claim 4, information is missing after "comprises".

In line 4 of claim 6, "an straddle" should read --a straddle--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3,4,5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "thin" in claim 3 line 2 is a relative term which renders the claim indefinite. The term "thin" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. See also claim 4 line 3.

Claim 5 seeks to improperly further define a functionally recited element, note last two lines of claim 1 functionally recite the mating structure, therefore the metes and bounds of the claims cannot be ascertained because it is unclear if the mating structure is being positively claimed.

Claim 6 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: a straddle angle in line 4, and an orifice hole in line 9. A straddle angle is indefinite, as it is understood that a straddle angle would be relative to the item being straddled. No relationship has been described relating an orifice hole to the blank panel.

In claim 6 line 6, it is unclear how a protrusion can induce a pulling force.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Licata (US 3,735,020). Licata discloses a blank panel (90) having three face plates separated by break-off grooves (100 and 101). Figure 16 shows the face plates (90) where the side surfaces are oriented along the break-off grooves as the top and bottom sides. Applicant's broad recitation of a contact surface is considered to be met by Licata '020, as the top and bottom have surfaces capable of functioning as contact surfaces to the same degree and in the same manner as the claimed recitation noted. The side surfaces (top and bottom) are separated by a series of reinforcement ribs (91). Formed between any two ribs (91) along the contact surfaces are channels. The recitation "for exchangeably and slidably holding a correspondingly shaped mating structure" in lines 9-11 of claim 1, is a functional recitation. Therefore the channels formed between the ribs are capable of receiving of correspondingly shaped mating structure.

With respect to claim 2, the channels of Licata formed along the contact faces and between the ribs further comprise positioning indicators (94,95), which would function to indicate a predetermined position of a correspondingly shaped mating structure.

With respect to claims 3 and 4, the break-off grooves (100,101) comprise a thin film bridge connecting the adjacent face plates. As shown in figure 17, the break-off groove comprises angled levering surfaces for inducing a force onto the thin film bridge.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmitt et al. (US 6,278,606). Schmitt et al. disclose a blank panel having two face plates (36,34) separated by break-off grooves (34e). The break-off groove (34e) is understood to define a line where the face plates (34,36) are separable. Figure 4 shows the face plates (34,36) where the side surfaces are oriented along the break-off grooves as the left and right sides. Applicant's broad recitation of a contact surface is considered to be met by Schmitt et al., as the left and right sides have surfaces capable of functioning as contact surfaces to the same degree and in the same manner as the claimed recitation noted. At least one of the face plates (36) has side surfaces separated by a series of reinforcement ribs (36c,36d). At least one of the face plates (36) has channels (34g,34f). The channels (34g,34f) are shaped for exchangeably and slidably receiving a correspondingly shaped mating structure (34c,34d).

With respect to claim 5, As best understood in view of the section 112 2<sup>nd</sup> paragraph rejection advanced above, the mating structures (34c, 34d) are a unitary part with a fastener (34a). The fastener (34a) comprises two laterally resilient protrusions. The fasteners are seen to be symmetrical with respect to an attachment axis perpendicular to the contact surface.

***Allowable Subject Matter***

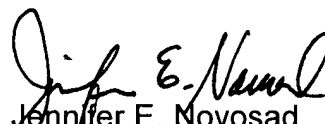
Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and intervening claims.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C. Dooley whose telephone number is 571-2721679. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jennifer E. Novosad  
Primary Examiner  
Art Unit 3634

  
James C. Dooley/jcd  
March 27, 2006